



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5445

Introduced 2/15/2012, by Rep. Esther Golar

SYNOPSIS AS INTRODUCED:

35 ILCS 200/31-35
35 ILCS 200/31-45

Amends the Property Tax Code. Provides that, beginning on the effective date of the amendatory Act and through June 30, 2016, certain deeds and trust documents are subject to the real estate transfer tax. Requires, beginning July 1, 2012, specified percentages of the proceeds generated from the imposition of that tax to be deposited into the Abandoned Residential Property Municipality Relief Fund, the Open Space Lands Acquisition and Development Fund, and the Natural Areas Acquisition Fund. Effective immediately.

LRB097 18377 HLH 63603 b

FISCAL NOTE ACT
MAY APPLY

HOUSING
AFFORDABILITY
IMPACT NOTE ACT
MAY APPLY

1 AN ACT concerning revenue.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Property Tax Code is amended by changing
5 Sections 31-35 and 31-45 as follows:

6 (35 ILCS 200/31-35)

7 Sec. 31-35. Deposit of tax revenue.

8 (a) Beginning on June 6, 2002 (the effective date of Public
9 Act 92-536) ~~this amendatory Act of the 92nd General Assembly~~
10 and through June 30, 2003, of the moneys collected under
11 Section 31-15, 50% shall be deposited into the Illinois
12 Affordable Housing Trust Fund, 20% into the Open Space Lands
13 Acquisition and Development Fund, 5% into the Natural Areas
14 Acquisition Fund, and 25% into the General Revenue Fund.

15 (b) Except as provided in subsection (c), beginning
16 ~~Beginning~~ July 1, 2003, of the moneys collected under Section
17 31-15, 50% shall be deposited into the Illinois Affordable
18 Housing Trust Fund, 35% into the Open Space Lands Acquisition
19 and Development Fund, and 15% into the Natural Areas
20 Acquisition Fund.

21 (c) Beginning July 1, 2012, of the moneys collected under
22 Section 31-15 from (i) deeds or trust documents that release
23 property that is security for a debt or other obligation and

1 (ii) deeds issued to a holder of a mortgage, as defined in
2 Section 15-103 of the Code of Civil Procedure, pursuant to a
3 mortgage foreclosure proceeding or pursuant to a transfer in
4 lieu of foreclosure, 50% shall be deposited into the Abandoned
5 Residential Property Municipality Relief Fund, 35% shall be
6 deposited into the Open Space Lands Acquisition and Development
7 Fund, and 15% shall be deposited into the Natural Areas
8 Acquisition Fund.

9 (Source: P.A. 91-555, eff. 1-1-00; 92-536, eff. 6-6-02; 92-874,
10 eff. 7-1-03.)

11 (35 ILCS 200/31-45)

12 Sec. 31-45. Exemptions. The following deeds or trust
13 documents shall be exempt from the provisions of this Article
14 except as provided in this Section:

15 (a) Deeds representing real estate transfers made before
16 January 1, 1968, but recorded after that date and trust
17 documents executed before January 1, 1986, but recorded after
18 that date.

19 (b) Deeds to or trust documents relating to (1) property
20 acquired by any governmental body or from any governmental
21 body, (2) property or interests transferred between
22 governmental bodies, or (3) property acquired by or from any
23 corporation, society, association, foundation or institution
24 organized and operated exclusively for charitable, religious
25 or educational purposes. However, deeds or trust documents,

1 other than those in which the Administrator of Veterans'
2 Affairs of the United States is the grantee pursuant to a
3 foreclosure proceeding, shall not be exempt from filing the
4 declaration.

5 (c) Deeds or trust documents that secure debt or other
6 obligation.

7 (d) Deeds or trust documents that, without additional
8 consideration, confirm, correct, modify, or supplement a deed
9 or trust document previously recorded.

10 (e) Deeds or trust documents where the actual consideration
11 is less than \$100.

12 (f) Tax deeds.

13 (g) Until the effective date of this amendatory Act of the
14 97th General Assembly and beginning again on July 1, 2016,
15 deeds ~~Deeds~~ or trust documents that release property that is
16 security for a debt or other obligation.

17 (h) Deeds of partition.

18 (i) Deeds or trust documents made pursuant to mergers,
19 consolidations or transfers or sales of substantially all of
20 the assets of corporations under plans of reorganization under
21 the Federal Internal Revenue Code or Title 11 of the Federal
22 Bankruptcy Act.

23 (j) Deeds or trust documents made by a subsidiary
24 corporation to its parent corporation for no consideration
25 other than the cancellation or surrender of the subsidiary's
26 stock.

1 (k) Deeds when there is an actual exchange of real estate
2 and trust documents when there is an actual exchange of
3 beneficial interests, except that that money difference or
4 money's worth paid from one to the other is not exempt from the
5 tax. These deeds or trust documents, however, shall not be
6 exempt from filing the declaration.

7 (l) Until the effective date of this amendatory Act of the
8 97th General Assembly and beginning again on July 1, 2016,
9 deeds ~~Deeds~~ issued to a holder of a mortgage, as defined in
10 Section 15-103 of the Code of Civil Procedure, pursuant to a
11 mortgage foreclosure proceeding or pursuant to a transfer in
12 lieu of foreclosure, except that those deeds shall remain
13 exempt for the period prior to July 1, 2016, if the holder: (i)
14 originated the mortgage in question, (ii) did not originate
15 more than 10,000 mortgage loans in 2007, and (iii) had less
16 than \$5,000,000 in assets on the effective date of this
17 amendatory Act of the 97th General Assembly..

18 (m) A deed or trust document related to the purchase of a
19 principal residence by a participant in the program authorized
20 by the Home Ownership Made Easy Act, except that those deeds
21 and trust documents shall not be exempt from filing the
22 declaration.

23 (Source: P.A. 91-555, eff. 1-1-00.)

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.